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108TH CONGRESS  
1ST SESSION

**S. 1391**

[Report No. 108–89]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 10, 2003

Mr. BURNS, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 Department of the Interior and related agencies for the  
6 fiscal year ending September 30, 2004, and for other pur-  
7 poses, namely:

1 by the Forest Service shall be considered to be a Federal  
2 employee for purposes of chapter 171 of title 28, United  
3 States Code.

4 Any funds appropriated to the Forest Service may  
5 be used to meet the non-Federal share requirement in sec-  
6 tion 502(c) of the Older American Act of 1965 (42 U.S.C.  
7 3056(c)(2)).

8 None of the funds made available in this or any other  
9 Act may be used by the Forest Service to initiate or con-  
10 tinue competitive sourcing studies until such time as the  
11 House and Senate Committees on Appropriations have  
12 been given a detailed competitive sourcing proposal (in-  
13 cluding the number of positions to be studied, the amount  
14 of funding needed, and the accounts and activities from  
15 which the funding will be reprogrammed), and have ap-  
16 proved in writing such proposal.

17 DEPARTMENT OF ENERGY

18 CLEAN COAL TECHNOLOGY

19 (DEFERRAL)

20 Of the funds made available under this heading for  
21 obligation in prior years, \$97,000,000 shall not be avail-  
22 able until October 1, 2004: *Provided*, That funds made  
23 available in previous appropriations Acts shall be available  
24 for any ongoing project regardless of the separate request  
25 for proposal under which the project was selected: *Pro-*

1 *vided further*, That within 30 days of enactment of this  
2 Act, the Secretary is directed to provide the House Com-  
3 mittee on Appropriations and the Senate Committee on  
4 Appropriations with a plan detailing the proposed expendi-  
5 ture of un-obligated or de-obligated funds from terminated  
6 Clean Coal Technology projects in support of the  
7 FutureGen project.

8           FOSSIL ENERGY RESEARCH AND DEVELOPMENT

9           For necessary expenses in carrying out fossil energy  
10 research and development activities, under the authority  
11 of the Department of Energy Organization Act (Public  
12 Law 95–91), including the acquisition of interest, includ-  
13 ing defeasible and equitable interests in any real property  
14 or any facility or for plant or facility acquisition or expan-  
15 sion, and for conducting inquiries, technological investiga-  
16 tions and research concerning the extraction, processing,  
17 use, and disposal of mineral substances without objection-  
18 able social and environmental costs (30 U.S.C. 3, 1602,  
19 and 1603), \$593,514,000, to remain available until ex-  
20 pended, of which \$4,000,000 is to continue a multi-year  
21 project for construction, renovation, furnishing, and demo-  
22 lition or removal of buildings at National Energy Tech-  
23 nology Laboratory facilities in Morgantown, West Virginia  
24 and Pittsburgh, Pennsylvania; of which not to exceed  
25 \$536,000 may be utilized for travel and travel-related ex-

1 penses incurred by the headquarters staff of the Office  
2 of Fossil Energy; and of which \$130,000,000 are to be  
3 made available, after coordination with the private sector,  
4 for a request for proposals for a Clean Coal Power Initia-  
5 tive providing for competitively-awarded research, develop-  
6 ment, and demonstration projects to reduce the barriers  
7 to continued and expanded coal use: *Provided*, That no  
8 project may be selected for which sufficient funding is not  
9 available to provide for the total project: *Provided further*,  
10 That funds shall be expended in accordance with the provi-  
11 sions governing the use of funds contained under the head-  
12 ing “Clean Coal Technology” in 42 U.S.C. 5903d: *Pro-*  
13 *vided further*, That the Department may include provisions  
14 for repayment of Government contributions to individual  
15 projects in an amount up to the Government contribution  
16 to the project on terms and conditions that are acceptable  
17 to the Department including repayments from sale and li-  
18 censing of technologies from both domestic and foreign  
19 transactions: *Provided further*, That such repayments shall  
20 be retained by the Department for future coal-related re-  
21 search, development and demonstration projects: *Provided*  
22 *further*, That any technology selected under this program  
23 shall be considered a Clean Coal Technology, and any  
24 project selected under this program shall be considered a  
25 Clean Coal Technology Project, for the purposes of 42

1 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40  
2 of the Code of Federal Regulations: *Provided further*, That  
3 no part of the sum herein made available shall be used  
4 for the field testing of nuclear explosives in the recovery  
5 of oil and gas: *Provided further*, That up to 4 percent of  
6 program direction funds available to the National Energy  
7 Technology Laboratory may be used to support Depart-  
8 ment of Energy activities not included in this account.

9           NAVAL PETROLEUM AND OIL SHALE RESERVES

10       For expenses necessary to carry out naval petroleum  
11 and oil shale reserve activities, \$17,947,000, to remain  
12 available until expended: *Provided*, That, notwithstanding  
13 any other provision of law, unobligated funds remaining  
14 from prior years shall be available for all naval petroleum  
15 and oil shale reserve activities.

16           ELK HILLS SCHOOL LANDS FUND

17       For necessary expenses in fulfilling installment pay-  
18 ments under the Settlement Agreement entered into by  
19 the United States and the State of California on October  
20 11, 1996, as authorized by section 3415 of Public Law  
21 104–106, \$36,000,000, to become available on October 1,  
22 2004 for payment to the State of California for the State  
23 Teachers' Retirement Fund from the Elk Hills School  
24 Lands Fund.

## ENERGY CONSERVATION

1  
2 For necessary expenses in carrying out energy con-  
3 servation activities, \$861,645,000, to remain available  
4 until expended: *Provided*, That \$274,000,000 shall be for  
5 use in energy conservation grant programs as defined in  
6 section 3008(3) of Public Law 99-509 (15 U.S.C. 4507):  
7 *Provided further*, That notwithstanding section 3003(d)(2)  
8 of Public Law 99-509, such sums shall be allocated to  
9 the eligible programs as follows: \$230,000,000 for weath-  
10 erization assistance grants and \$44,000,000 for State en-  
11 ergy program grants.

## ECONOMIC REGULATION

12  
13 For necessary expenses in carrying out the activities  
14 of the Office of Hearings and Appeals, \$1,047,000, to re-  
15 main available until expended.

## STRATEGIC PETROLEUM RESERVE

16  
17 For necessary expenses for Strategic Petroleum Re-  
18 serve facility development and operations and program  
19 management activities pursuant to the Energy Policy and  
20 Conservation Act of 1975, as amended (42 U.S.C. 6201  
21 et seq.), \$173,081,000, to remain available until expended.

## NORTHEAST HOME HEATING OIL RESERVE

22  
23 For necessary expenses for Northeast Home Heating  
24 Oil Reserve storage, operations, and management activi-

1 ties pursuant to the Energy Policy and Conservation Act  
2 of 2000, \$5,000,000, to remain available until expended.

3 ENERGY INFORMATION ADMINISTRATION

4 For necessary expenses in carrying out the activities  
5 of the Energy Information Administration, \$80,111,000,  
6 to remain available until expended.

7 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

8 Appropriations under this Act for the current fiscal  
9 year shall be available for hire of passenger motor vehicles;  
10 hire, maintenance, and operation of aircraft; purchase, re-  
11 pair, and cleaning of uniforms; and reimbursement to the  
12 General Services Administration for security guard serv-  
13 ices.

14 From appropriations under this Act, transfers of  
15 sums may be made to other agencies of the Government  
16 for the performance of work for which the appropriation  
17 is made.

18 None of the funds made available to the Department  
19 of Energy under this Act shall be used to implement or  
20 finance authorized price support or loan guarantee pro-  
21 grams unless specific provision is made for such programs  
22 in an appropriations Act.

23 The Secretary is authorized to accept lands, build-  
24 ings, equipment, and other contributions from public and  
25 private sources and to prosecute projects in cooperation

1 with other agencies, Federal, State, private or foreign:  
2 *Provided*, That revenues and other moneys received by or  
3 for the account of the Department of Energy or otherwise  
4 generated by sale of products in connection with projects  
5 of the Department appropriated under this Act may be  
6 retained by the Secretary of Energy, to be available until  
7 expended, and used only for plant construction, operation,  
8 costs, and payments to cost-sharing entities as provided  
9 in appropriate cost-sharing contracts or agreements: *Pro-*  
10 *vided further*, That the remainder of revenues after the  
11 making of such payments shall be covered into the Treas-  
12 ury as miscellaneous receipts: *Provided further*, That any  
13 contract, agreement, or provision thereof entered into by  
14 the Secretary pursuant to this authority shall not be exe-  
15 cuted prior to the expiration of 30 calendar days (not in-  
16 cluding any day in which either House of Congress is not  
17 in session because of adjournment of more than 3 calendar  
18 days to a day certain) from the receipt by the Speaker  
19 of the House of Representatives and the President of the  
20 Senate of a full comprehensive report on such project, in-  
21 cluding the facts and circumstances relied upon in support  
22 of the proposed project.

23 No funds provided in this Act may be expended by  
24 the Department of Energy to prepare, issue, or process

1 procurement documents for programs or projects for  
2 which appropriations have not been made.

3 In addition to other authorities set forth in this Act,  
4 the Secretary may accept fees and contributions from pub-  
5 lic and private sources, to be deposited in a contributed  
6 funds account, and prosecute projects using such fees and  
7 contributions in cooperation with other Federal, State or  
8 private agencies or concerns.

9 DEPARTMENT OF HEALTH AND HUMAN  
10 SERVICES

11 INDIAN HEALTH SERVICE

12 INDIAN HEALTH SERVICES

13 For expenses necessary to carry out the Act of Au-  
14 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-  
15 tion Act, the Indian Health Care Improvement Act, and  
16 titles II and III of the Public Health Service Act with re-  
17 spect to the Indian Health Service, \$2,546,524,000, to-  
18 gether with payments received during the fiscal year pur-  
19 suant to 42 U.S.C. 238(b) for services furnished by the  
20 Indian Health Service: *Provided*, That funds made avail-  
21 able to tribes and tribal organizations through contracts,  
22 grant agreements, or any other agreements or compacts  
23 authorized by the Indian Self-Determination and Edu-  
24 cation Assistance Act of 1975 (25 U.S.C. 450), shall be  
25 deemed to be obligated at the time of the grant or contract